

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

HEALTH CHOICE GROUP, LLC and JAIME GREEN, on behalf of the UNITED STATES OF AMERICA; STATE OF ARKANSAS; STATE OF CALIFORNIA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; DISTRICT OF COLUMBIA; STATE OF FLORIDA; STATE OF GEORGIA; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF INDIANA; STATE OF IOWA; STATE OF LOUISIANA; STATE OF MARYLAND; COMMONWEALTH OF MASSACHUSETTS; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF MONTANA; STATE OF NEVADA; STATE OF NEW HAMPSHIRE; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OKLAHOMA; STATE OF RHODE ISLAND; STATE OF TENNESSEE; STATE OF TEXAS; STATE OF VERMONT; COMMONWEALTH OF VIRGINIA; and STATE OF WASHINGTON,

Plaintiffs/Relators,

v.

BAYER CORPORATION; AMGEN INC.;
ONYX PHARMACEUTICALS, INC.;
AMERISOURCEBERGEN CORPORATION;
and LASH GROUP,

Defendants.

Civil Action No.: 5:17-CV-126-RWS-CMC

JURY TRIAL DEMANDED

**PLAINTIFFS' RELATORS' RESPONSE TO
DEFENDANTS' RENEWED MOTION TO STAY DISCOVERY**

Relators¹ respectfully request that the Court deny Defendants' renewed motion to stay discovery. Dkt. 92.

On June 29, 2018, the Court recommended, in relevant part, that (1) Defendants' motion to dismiss for failure to state a claim be denied; and (2) Defendants' motion to dismiss for failure to meet Rule 9(b)'s heightened pleading standard be granted—*without prejudice to amendment*. See Dkt. 91. In their latest bid to derail this case, Defendants focus on the second aspect of the June 29 Report and Recommendation while ignoring that the Court squarely rejected Defendants' attack on the actual merits of Relators' claims.² Relators are diligently working to amend the First Amended Complaint and, by the time Defendants' renewed motion to stay discovery will be fully briefed, they anticipate filing an amended pleading that will resolve all of the Court's Rule 9(b)-related concerns.

As such, and for the reasons explained in Relators' response to Defendants' previous motion to stay discovery (Dkt. 53), the Court should deny this motion.

¹ The term "Relators" refers to the parties identified as such in the caption of this action

² Defendants failed to file any objections to the June 29 Report and Recommendation.

Dated: July 27, 2018

Respectfully submitted,

/s/ Sam Baxter

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ATTORNEYS FOR RELATORS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on July 27, 2018 to counsel of record who are deemed to have consented to electronic services via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile, U.S. Mail and/or overnight delivery.

s/ Radu A. Lelutiu

Radu Lelutiu